

**4626.0408 TIME AS PUBLIC HEALTH CONTROL. 3-501.19**

A. Except as specified in item D, if time only, rather than in conjunction with temperature control, is used as the public health control for a working supply of TCS food before cooking, or for ready-to-eat TCS food that is displayed or held for sale or service, written procedures must be prepared in advance, maintained in the food establishment, and made available to the regulatory authority upon request that specify:<sup>p2</sup>

- (1) methods of compliance with item B, subitems (1) to (3), or C;<sup>p2</sup> and
- (2) methods of compliance with part 4626.0385 for food that is prepared, cooked, and refrigerated before time is used as a public health control.<sup>p2</sup>

B. If time only, rather than in conjunction with temperature control, is used as the public health control up to a maximum of 4 hours:

- (1) the food must have an initial temperature of less than 41 degrees F (5 degrees C) or greater than 135 degrees F (57 degrees C) when it is removed from temperature control;<sup>p1</sup>
- (2) the food must be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;<sup>p2</sup>
- (3) the food must be cooked and served, served at any temperature if ready-to-eat, or discarded within 4 hours from the point in time when the food is removed from temperature control;<sup>p1</sup> and
- (4) the food in unmarked containers or packages, or food marked to exceed a 4-hour limit, must be discarded.<sup>p1</sup>

C. If time only, rather than in conjunction with temperature control, is used as the public health control up to a maximum of 6 hours:

- (1) the food must have an initial temperature of 41 degrees F (5 degrees C) or less when removed from temperature control and the food temperature must not exceed 70 degrees F (21 degrees C) within a maximum time period of 6 hours;<sup>p1</sup>
- (2) the food must be monitored to ensure the warmest portion of the food does not exceed 70 degrees F (21 degrees C) during the 6-hour period;<sup>p2</sup>
- (3) the food must be marked or otherwise identified to indicate:<sup>p2</sup>
  - (a) the time when the food is removed from 41 degrees F (5 degrees C) or less cold holding temperature control;<sup>p2</sup> and
  - (b) the time that is 6 hours past the time when the food is removed from cold holding temperature control;<sup>p2</sup>
- (4) the food must be:
  - (a) discarded if the temperature of the food exceeds 70 degrees F (21 degrees C);<sup>p1</sup>

or

(b) cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of 6 hours from the time the food is removed from 41 degrees F (5 degrees C) or less cold holding temperature control;<sup>p1</sup> and

(5) the food in unmarked containers or packages, or marked with a time that exceeds the 6-hour limit, must be discarded.<sup>p1</sup>

D. A food establishment that serves a highly susceptible population may not use time as specified in item A, B, or C as the public health control for raw eggs.

**Statutory Authority:** *MS s 31.101; 31.11; 144.07; 157.011*

**History:** *43 SR 295*

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